



DEPARTMENT OF MILITARY AFFAIRS
DISASTER & EMERGENCY SERVICES DIVISION

STATE OF MONTANA

(406) 841-3911

1956 Mt Majo Street, PO Box 4789

Fort Harrison, MT 59636-4789

September 15, 2008

Marvin Eicholtz
Dept of Administration
General Services Division
PO Box 200110
Helena MT 59620-0110

Dear Marv,

This is the formal award of your 100% federally funded FY08 US Department of Homeland Security Grant Program (HSGP) in the amount of \$244,000 for the activities outlined to meet the investment justification, attached.

- The award is based on upgrades to the security camera project for the Capitol Campus area.
- Indirect costs are not allowed. Only direct costs for the listed activities are allowable.
- The grant period is the date of the award letter to December 31, 2009. All activities must be completed by December 31, 2009. All funds not expended will be reallocated.
- Only the items listed in the award budget are eligible for reimbursement. Non-approved expenditures will not be reimbursed.
- Any changes to the award activities or budget must be submitted in writing and approved prior to performing those activities or expending any funds.
- Procurement and contracting must follow all State of Montana procurement and contracting laws, policies and procedures.
- When practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the US Department of Homeland Security." Labels are attached.
- All requests for reimbursements are recommended to be submitted on a monthly basis. All requests for reimbursements must be submitted by January 30, 2010. Requests for reimbursement received after January 30, 2010 will not be reimbursed.

- Grant progress and financial reports will be submitted for the periods of:
Award ltr date – December 31, 2008 with the report received by January 5, 2009
January 1 – March 30 with the report received by April 5, 2009
April 1 – June 30 with the report received by July 5, 2009
July 1 – September 30 with the report received by October 5, 2009
October 1 – December 31 with the final report received by January 5, 2010
- All progress reports must be electronically submitted to Sheri Lanz at sheris@mt.gov
A standardized progress report is attached.
- Please notify your finance office that the CFDA number is 97.067 and the grant number is 2008-GE-T8-0023.

Sincerely,

Sheri Lanz
Homeland Security Coordinator
MT Disaster & Emergency Services

cc: Lou Antonick, GSD
Randy Middlebrook, Dept. of Justice
File Copy

*****Please return this signature page within 10 day after receipt. The grant is not official until the signature page is submitted. Please fax to (406) 841-3965.**

I certify that I understand and agree to comply with the general and fiscal provisions of this grant award including the assurances and certifications; are fully National Incident Management System (NIMS) compliant; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the Applicant to perform the tasks of Project Director as they relate to the requirements of this grant award; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Signature _____

Date _____

Homeland Security Program (HSGP) Activities, Budget and Progress Reports

Grant Applicant: Montana Department of Administration, General Services Division

Goal 3 in the State Strategic Plan which states: Implement the National Infrastructure Protection Plan. These grant activities support milestone #9 of Investment 3, Critical Infrastructure Protection Program, attached.

Outline your specific grant activities and completion timeframe(s):

Collectively the Department of Administration General Services Division (DOA-GSD), Helena Police Department (HPD) and Department of Justice - Critical Infrastructure Protection Program (DOJ-CIPP) have developed the following scope of work for upgrades to the security camera project for the Capitol Campus area.

For this grant, the Capitol Campus Area includes those buildings within the boundary of Broadway Street to Montana Avenue to 11th Ave and then to North Oaks and Carson street back to Broadway Street.

Upgrades to the system include external cameras strategically placed across the campus to view critical points in and around buildings. We will also upgrade the cameras within the Capitol Building to provide better security by viewing critical areas, better resolution and wider angles. The security desk will also be upgraded to provide confidentiality, protection and allow more room for the video monitors and associated equipment. Approximately 27 cameras will be placed externally and 21 cameras will be upgraded within the Capitol Building to include hardware, software and monitoring equipment.

The survey and vulnerability assessment have been completed for this project. DOA-GSD will request a request for proposal (RFP) to include a demonstration by proposed contractors of their products. This will ensure that DOA-GSD and the State of Montana receive the best available hardware and software, to include items such as a wireless camera system with pan tilt zoom capabilities, etc.

DOA-GSD will have the RFP completed during the month of October, with a successful contract in place by January 2009. Work will commence in May of 2009 due to the legislative session with an expected completion date of December, 2009. If there are unforeseen events during that time, DOA-GSD may request an extension.

Funding: \$244,000

Contract services \$ 244,000

Award letter date – December 31, 2008 with the report received by January 5, 2009

Describe activities accomplished during this period.

Describe any difficulties in accomplishing activities or needed time frame adjustments.

Funding used during this period \$

Contract services \$

January 1 – March 30, 2009 with the report received by April 5, 2009

Describe activities accomplished during this period.

Describe any difficulties in accomplishing activities or needed time frame adjustments.

Funding used during this period \$

Contract services \$

April 1 – June 30, 2009 with the report received by July 5, 2009

Describe activities accomplished during this period.

Describe any difficulties in accomplishing activities or needed time frame adjustments.

Funding used during this period \$

Contract services \$

July 1 – September 30, 2009 with the report received by October 5, 2009

Describe activities accomplished during this period.

Describe any difficulties in accomplishing activities or needed time frame adjustments.

Funding used during this period \$

Contract services \$

October 1 – December 31, 2009 with the final report received by January 5, 2010

Describe activities accomplished during this period.

Describe any difficulties in accomplishing activities or needed time frame adjustments.

Funding used during this period \$

 Contract services \$

Grant Assurances and Certifications

Assurances

The sub-grantee hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including the current edition of the Office of Grant Operations Financial Management Guide, OMB Circulars No. A-21, A-102, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. The sub-grantee must comply with FEMA's codified regulation 44CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 2CFR Part 225 State and Local Governments. The sub-grantee must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.

Also the sub-grantee assures and certifies that:

Programmatic

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information may be required.
2. It will comply with all requirements imposed by the Federal and State sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
 - a. All sub-grantees must be fully National Incident Management System (NIMS) compliant. Future Homeland Security grant funds are contingent on NIMS compliance.
 - b. All sub-grantees are required to modify their existing incident management and emergency operations plans in accordance with the National Response Framework's coordinating structures, processes, and protocols.
 - c. The sub-grantee agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the US Department of Homeland Security."
 - d. The sub-grantee agrees to cooperate with any national or state assessments, evaluation efforts, quality assurance, or information or data collection requests, including, but not limited to, the provisions of any information required for the assessment or evaluation of any activities within this project.
 - e. All sub-grantees are required by FEMA's National Preparedness Directorate (NPD) to use the Global Justice Data Model specifications and guidelines regarding the use of XML for all homeland security grant awards.
 - f. All sub-grantees must fully engage citizens by expanding plans and committee memberships to address citizen participation; awareness and outreach to inform and engage the public; include citizens in training and exercise; and develop or expand programs that integrate citizen/volunteer support for emergency responder disciplines.
 - g. The sub-grantee agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from FEMA's Grant Program Directorate (GPD), US Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of GPD or the US Department of Homeland Security."
 - h. Travel costs must be consistent with the sub-grantee's policies and procedures and must be applied uniformly to all activities of the sub-grantee.

i. Funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Center Planning Tool.

3. The sub-grantee agrees that federal funds under this award will be used to supplement, not to supplant, state or local funds or other resources that would otherwise have been made available for this program (see Financial Guide, Chapter 3, for explanation).

4. Any mutually agreed upon changes to this sub-grantee must be approved, in writing, by DES prior to implementation or obligation and shall be incorporated in written amendments to this grant. This procedure for changes to the approved sub-grantee is not limited to budgetary changes, but also includes changes of substance in project activities and changes in the project director or key professional personnel identified in the approved application.

5. Any reports, information, data, etc., given to, or prepared or assembled by the sub-grantee under this grant (which DES requests to be kept confidential) shall not be made available to any individual or organization by the sub-grantee without prior written approval of DES.

6. This grant and funding may be suspended, in whole or in part, and/or terminated where DES finds a substantial failure to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by DES. In the event the sub-grantee fails to perform the services described herein and has previously received financial assistance from DES, the sub-grantee shall reimburse DES the full amount of the payments made. However, if the services described herein are partially performed, and the sub-grantee has previously received financial assistance, the sub-grantee shall proportionally reimburse DES for payments made.

DES may suspend, in whole or in part, and/or terminate funding for or impose another sanction on a sub-grantee for any of the following reasons:

- a.** Failure to comply substantially with the requirements or statutory objectives of the 2003 Omnibus Appropriations Act issued or other provisions of Federal Law.
- b.** Failure to adhere to the requirements, standard conditions or special conditions.
- c.** Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
- d.** Failure to submit reports.
- e.** Filing a false certification in this application or other report or document.
- f.** Other good cause shown.

7. The sub-grantee agrees to comply with the requirements of OMB Circular A-133 and Audits of States, Local Governments, and Non-Profit Organizations, as described in the current edition of the OJP Financial Guide, Chapter 19. Further, all records, books, papers, or documents with respect to all matters covered by this grant shall be made available for audit and inspection by The State of Montana and/or any of its duly authorized representatives. If required, the audit report must specifically cite that the report was done in accordance with OMB Circular A-133. If a compliance audit is not required, a written certification must be provided at the end of each audit period stating that the sub-grantee has not expended the amount of federal funds that would require a compliance audit.

8. Sub-grantee's accounting procedures must provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the sub-grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets.

Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.

9. The financial responsibility of sub-grantees must be such that the sub-grantee can properly discharge the public trust which accompanies the authority to expend public funds. Adequate accounting systems should meet the following criteria:

- a.** Accounting records should provide information needed to adequately identify the receipt of funds under each grant awarded and the expenditure of funds for each grant;
- b.** Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily located;
- c.** The accounting system should provide accurate and current financial reporting information;
- d.** The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.

10. Retention of Records - In accordance with the requirements set forth in 28 CFR Parts 66 and 70, all financial records, supporting documents, statistical records, and all other records pertinent to award shall be retained by each organization for AT LEAST THREE YEARS following the closure of their most recent audit report. Retention is required for purposes of Federal examination and audit. Records may be retained in an automated format.

- a.** Coverage - the retention requirement extends to books or original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all awards, applications, and required recipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the award, whether they are employed full-time or part-time. Time and effort reports are also required for consultants.
- b.** Retention Period - the three-year retention period starts from the date of the submission of the closure of the single audit report, which covers the grant period. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

11. Maintenance of Records - Recipients of funds are expected to see that records of different Federal fiscal periods are separately identified and maintained so that information desired may be readily located. Recipients are also obligated to protect records adequately against fire or other damage. When records are stored away from the recipient's principal office, a written index of the location of records stored should be on hand and ready access should be assured.

12. Access to Records - The awarding agency includes the funding agency, the Federal agency, the DOJ and DHS Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives, who shall have the right of access to any pertinent books, documents, papers, or other records of recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. The right of access must not be limited to the required retention period but shall last as long as the records are retained.

13. Equipment acquired under an award shall be managed to ensure that the equipment is used under the specific purposes of the grant.

- a.** Title to equipment acquired under an award or sub-award will vest upon acquisition in the recipient or sub-recipient subject to the obligations and conditions set forth in 28 CFR Part 66.
- b.** A State shall use equipment acquired under an award by the State in accordance with State laws and procedures. The awarding agency encourages the States to follow the procedures set forth in this Guide. Other government recipients and sub-recipients shall use equipment in accordance with the following requirements:

- 1) Equipment must be used by the recipient or sub-recipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.
- 2) The recipient or sub-recipient shall also make equipment available for use on other projects or programs currently or previously supported by the Federal government, providing such use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees shall be considered and treated as program income to the project, if appropriate.
- 3) Notwithstanding program income, the recipient or sub-recipient shall not use equipment acquired with funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.
- 4) When acquiring replacement equipment, recipients or sub-recipients may use the equipment to be replaced as a trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment, subject to the written approval of the awarding agency.

c. A State shall manage equipment acquired under an award to the State in accordance with State laws and procedures. Other government recipient and sub-recipient procedures for managing equipment (including replacement), whether acquired in whole or in part with project funds, will, at a minimum, meet the following requirements:

- 1) Property records must be maintained which include: description of the property; serial number or other identification number; source of the property; identification of title holder; acquisition date; cost of the property; percentage of Federal participation in the cost of the property; location of the property; use and condition of the property; and disposition date, including the date of disposal and sale price.
- 2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
- 3) A control system must exist to ensure adequate safeguards to prevent: loss; damage; or theft of the property. The recipient and sub-recipient, as appropriate, shall investigate any loss, damage, or theft.
- 4) Adequate maintenance procedures must exist to keep the property in good condition.
- 5) If the recipient or sub-recipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

d. A State recipient shall dispose of its equipment acquired under an award to the State in accordance with State laws and procedures. Other government recipients and sub-recipients shall dispose of the equipment when original or replacement equipment acquired under the award or sub-award is no longer needed for the original project or program, or for other activities currently or previously supported by a Federal agency.

Disposition of the equipment will be made as follows:

- 1) Items with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- 2) Items with a current per unit fair market value in excess of \$5,000 may be retained or sold, and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment. Seller is also eligible for sale costs.
- 3) In cases where a recipient or sub-recipient fails to take appropriate disposition actions, the awarding agency may direct the recipient or sub-recipient to take other disposition actions.

14. The sub-grantee or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However the federal awarding agency and/or state funding agency (DES) reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, for federal or state government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The federal government's and DES's rights identified above must be conveyed to the publisher and the language of the publisher's release form must ensure the preservation

of these rights. DES and GPD must be notified regarding the allocation of any patent rights that are from, or are purchased with this funding. DES and GPD must be notified prior to starting the process for copyrighting.

15. Any television public service announcement that is produced or funded in whole or part by any agency or instrumentality of the federal government shall include closed captioning of the verbal content of such announcement.

16. Recipient shall comply with all applicable Federal, State and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Failure of the recipient to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Recipient shall not undertake any project that has the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancement, new construction, and modifications to buildings that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbance activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify DES and FEMA and the appropriate State Historic Preservation Office.

Organizational

1. The sub-grantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modifications, or adoption of any law, regulation or policy, at any level of government.

2. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.) None of the funds, materials, property or services provided directly or indirectly under this contract shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise in violation of the provisions of the "Hatch Act."

3. Personnel and other officials connected with this grant shall adhere to the requirements given below:

a. Advice: No official or employee of a state or unit of local government or of non-government grantees/sub-grantees shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

b. Appearance: In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/sub-grantees shall avoid any action which might result in, or create the appearance of the following:

- 1) Using his or her official position for private gain;
- 2) Giving preferential treatment to any person;
- 3) Losing complete independence or impartiality;
- 4) Making an official decision outside official channels; and/or
- 5) Adversely affecting the confidence of the public in the integrity of the government or the program.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the State and Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
6. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
7. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
8. It will comply, and assure the compliance of all its sub-grantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
9. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
10. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

11. No person shall on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under subgrants awarded pursuant to the Act governing these funds or any project, program, activity or subgrant supported by such requirements of Title VI of the Civil Rights Act of 1964, and all applicable requirements pursuant to the regulations of the Department of Commerce (Title 15, code of Federal Regulations, Part 8, which have been adopted by the Federal Funding Agency); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Labor Regulation 41 CFR Part 60; and the Department of Justice Non-discrimination Regulations 28 CFR Part 42, Subparts C, D, E and G. The sub-grantee must therefore ensure it has a current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301. The Sub-grantee further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEOP, as supplemented in Department of Labor Regulations 41 CFR Part 60. The Sub-grantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will immediately forward a copy of the findings to DES who will, in turn, will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Department of Homeland Security.

12. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.), which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

13. The sub-grantee must comply with all requirements of the Americans with Disabilities Act of 1990 (ADA), as applicable.

14. To the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent possible.

15. All recipients of federal funds must comply with Section 504 of the Rehabilitation Act of 1973 (Handicapped). Therefore, the federal funds recipient pursuant to the requirements of the Rehabilitation Act of 1973 hereby gives assurance that no otherwise qualified handicapped person shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of or be subject to discrimination, including discrimination in employment, in any program or activity that receives or benefits from federal financial assistance. The recipient agrees it will ensure that requirements of the Rehabilitation Act of 1973 shall be included in the agreements with and be binding on all of its sub-grantees, contractors, subcontractors, assignees or successors.

16. When implementing GPD-funded activities, the recipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting GPD-funded activities.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the application and/or award form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug- Free Workplace (Grants)." The certifications shall be treated as a material

representation of fact upon which reliance will be placed when the Department of Homeland Security and DES determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- a.** No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- b.** If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- c.** The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. Debarment, Suspension, and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

- a.** Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- b.** Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c.** Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d.** Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- a.** Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b.** Establishing an on-going drug-free awareness program to inform employees about:
- 1) The dangers of drug abuse in the workplace.
 - 2) The grantee's policy of maintaining a drug-free workplace.
 - 3) Any available drug counseling, rehabilitation, and employee assistance programs.
 - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c.** Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.
- d.** Notifying the employee in the statement required by paragraph a that, as a condition of employment under the grant, the employee will:
- 1) Abide by the terms of the statement.
 - 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- e.** Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph d.2 from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant.
- f.** Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.2, with respect to any employee who is so convicted:
- 1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended.
 - 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- g.** Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a, b, c, d, e, and f. As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.